

T. 11/20/72  
ReT. 11/27/72  
DLN:WG:LCB:gaw  
DJ 166-012-3

NOV 27 1972

John E. Dougherty, Esquire  
Department of Law  
2614 First National Bank Tower  
Atlanta, Georgia 30303

Dear Mr. Dougherty:

This is in reference to the application of the City of Atlanta, Georgia for approval of the realignment of ward and precinct boundary lines of the City of Atlanta submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965.

The Attorney General does not interpose an objection to the realignment of the Wards of the City of Atlanta. However, we must point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes.

Our investigation of the new precinct boundaries has recently revealed information reflecting that some of the precinct lines, in conjunction with the locations of polling places, may have the effect of impairing the voting rights of black citizens of Atlanta. Based on this information, including Judge Henderson's findings in Davis v. Graham, Civil Action

cc: Records

No. 16891 (Order entered October 2, 1972) which involved identical precincts and polling places, we cannot conclude as we must under Section 5, that the precincts and voting places you submitted will not have the effect of abridging voting rights on account of race or color. I must, therefore, on behalf of the Attorney General, interpose an objection to the implementation of the new precinct boundaries and polling places proposed for precincts 1K, 1L, 1T, 1W, 3B, 3S, 3X, 5Z, and 9T. These are the same precincts and polling places the Court in Davis found to be in violation of Section 2 of the Voting Rights Act.

We have reached a decision to object in this case primarily because near the end of the 60 day period in which the Attorney General may object facts were brought to our attention that suggest the precincts may impair the right to vote of blacks, and we have not been able to fully examine these new facts. In view of the peculiar circumstances present here, I have asked my staff to complete its investigation, and we will notify you as soon as possible if the objection to any of these precincts should be withdrawn or our determination otherwise modified.

As you may know, this limited objection to specific precinct boundaries set forth above applies to those precincts only and the city may implement the remaining precinct changes.

Should you have any questions concerning this matter, please contact Gerald W. Jones (202-739-2167) or Lisbon C. Berry (202-739-4491) of my staff.

Sincerely,

DAVID L. NORMAN  
Assistant Attorney General  
Civil Rights Division